

ASSIGNED

15763

AMENDED

Serial No.

APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF NEVADA HERETOFORE APPROPRIATED.

Date of first receipt and filing in State Engineer's office AUG 11 1954
Returned to applicant for correction SEP 7 1954
Corrected application filed OCT 8 1954

The undersigned Jesse Gardner
(Name of applicant)
of Ellison Creek Ranch, Ely, County of White Pine
State of Nevada, hereby makes application for permission to change the Point of Diversion and Place of Use of water heretofore appropriated under Permit No. 12518
(State nature of right that is the basis of this application, i.e., vested, decreed or permitted right.)

1. The source of water supply is White River
2. The quantity of water desired to be changed 3.0
(Acre feet-second-feet)
3. The water is to be used for Irrigation purposes
4. The water heretofore used for Irrigation
5. Place of use under existing appropriation 200 acres, being portions of the following: SW₁ NE₁ and E₂ NE₁ Section 11, NW₁ NW₄ Section 12, S₂ SW₁ and N₂ SE₁ Section 1, T. 12 N., R. 60 E., M.D.M.
(Under irrigation give number acres and description in respect to Government Land Survey; under any other use give location as being within a 40-acre subdivision.)
6. Proposed place of use under this application 200 acres being portion of the following: NW₁ NW₄ Sec. 12, S₂ SW₁, N₂ SE₁ and SE₄ NE₁ Sec. 1, T. 12 N., R. 60 E., M.D.M. and the NW₁ SW₁ and NW₄ Sec. 6, T. 12 N., R. 61 E., M.D.M.
(Under irrigation give number acres and description in respect to Government Land Survey; under any other use give location as being within a 40-acre subdivision.)
7. The water is to be diverted from its source at the following point: NE₁ NE₄ Sec. 11, T. 12 N., R. 60 E., M.D.B.&M. or at a point from which the NE corner of said Sec. 11 bears N. 13° 20' E. 115 feet.
(Describe as being within a 40-acre subdivision of public survey or by course and distance to a section corner.)
8. The existing point of diversion under the former appropriation is in the SW₁ SW₄ Sec. 11, T. 12 N., R. 60 E., M.D.M. or at a point from which the NE corner of said Sec. 11 bears N. 48° 55' E., 6360 feet distant.
(If point of diversion is not changed do not answer.)
9. Number and kind of animals proposed to be watered
10. Use will begin about Oct. 1 and end about April 1 of each year.
(Month) (Month)
11. The water has been used heretofore during the months of Oct. 1st to April 1st of the following year of each year
12. Remarks Heavy spring runoff of May 1952 washed out the point of diversion and diversion ditch constructed under Permit 12518. Permittee desires to use the winter water from the lower point of diversion until such time as it appears financially feasible to replace the old point of diversion and carrying ditch or ditches along the banks of White River

13. Description of proposed works Water will be diverted from the White River channel by means of existing overflow dams, and diverted into a north and south grade ditch taking the water out onto the land to be irrigated. This diversion is located in a portion of White River which is not difficult to maintain.

14. Estimated cost of works \$500.00

15. Estimated time required to construct the works is one year

Compared A. H. /s/ Jesse Gardner Applicant

Filed AUG 11 1954

By _____

Protested Dec. 6, 1954 by Albert Gubler & Leland Hendrix.

Protest overruled 1/20/55

See ruling 200 APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the point of diversion and place of use of the waters of White River as heretofore granted under Permit No. 12518 is issued subject to the terms and conditions imposed in said Permit No. 12518 and with the understanding that no other rights on the source will be affected by the change proposed herein. A substantial headgate and weir must be installed at or near the new point of diversion to facilitate the measurement and control of water. The State reserves the right to regulate the use of the water under this proposed change at any and all times.

The amount of water to be changed shall be limited to a direct diversion of 3.0 cubic feet per second and not to exceed 100 acre-feet for any one month during the period from October 1st to April 1st of the following year, and in no event shall it exceed a total amount of 300 acre-feet for the stated period.

Actual construction work shall begin on or before July 21, 1955

Proof of commencement of work shall be filed before August 21, 1955

Work must be prosecuted with reasonable diligence and be completed on or before July 21, 1956

Proof of completion of work shall be filed before August 21, 1956

Application of water to beneficial use shall be made on or before

July 21, 1958 Proof of the application of water to beneficial

use must be filed with State Engineer on or before August 21, 1958

Proof of commencement of work filed SEP 2 1955 WITNESS MY HAND AND SEAL this 21st

Proof of Completion of work filed SEP 2 1955

PROOF OF BENEFICIAL USE FILED MAR 19 1957 day of January

Certificate No. 4588 Issued 1/3/57, 1.0 cfs, irrig.

Recorded 6/12/57 By 202 P-400 284

White Pine County, Nevada

STATE ENGINEER

15763